

The DREAM Act and its Impact on US Higher Education

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Abstract

The US is a country of immigrants. The number of illegal immigrants in the country has been increased. But since they enter the country in an illegitimate way, it is impossible to determine their total. With this huge number of immigrants, it is difficult to organize the immigrant processes and prevent individuals and groups from exploiting US immigration laws by entering the country. Many illegal immigrants that entered the country integrate into new American communities and get economic benefits such as employment and education. This research paper discusses how can DREAM Act helps to achieve a moderate approach and address the issue of illegal students. However, these are some of the critical considerations that the Congress needs to solve before implementing this law. With the immense increase in new students, who will both private and public institutions in the states and counties cater to them? Moreover, will taxpayers be willing to support the financial needs of these undocumented students especially that there are no long-term benefits for citizens who will be sacrificing their monies?

The DREAM Act and its Impact on US Higher Education

As a child of an illegal immigrant, Ali came to the US with his parents at the age of four and was able to study at The University of Akron. He got high grades and was a good student in 2005. In his desire to continue his education, in a land, which does not consider him as legal, Ali starts study in the college without knowing the risk that may face him such as deported or be banned for re-entry for 10 years. The above situation is only hypothetical, but it can speak for the condition of many young illegal immigrants in the US today who desire to benefit from educational opportunities. However, they could not because of their status. Fortunately, the passage of the Development, Relief, and Education for Alien Minors (DREAM) Act changes their difficulty. Through this immigration policy, unauthorized yet eligible youths and young adults can obtain legal status if they meet the policy's criteria. Critical considerations, however, include its impact on US Higher Education and the challenge of ensuring that those who access these benefits are studying in order to learn and not just for the sake of becoming a legal citizen of the country.

Background of Immigration in the US

The US is a country of immigrants. The real residents that can be called Americans are the indigenous people who were already present in the country centuries before Christopher Columbus came to The US. The rest of those who live in the US such as, the whites, blacks, Hispanics, Arabs, and other smaller races, are definitely from another country or continent: all these are immigrants. But one of the most important features of American

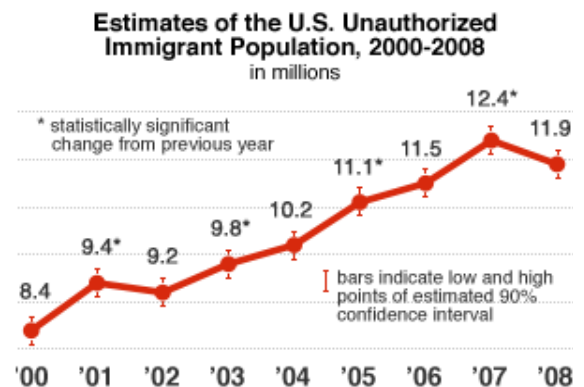


Fig. 1. Jeffrey Passel, chart, [Pew Hispanic Center](#) 2 October 2008

politics is that one country can be formed out of different races and cultures for as long as the individual adheres to immigration policies. The problem, however, is that many people in America today are illegal. This issue that creates high-tension debates in the US Congress about what they do deport all of them or allow them to fix their papers and be legal Americans.

The number of illegal immigrants in the country has been increased. But since they enter the country in an illegitimate way, it is impossible to determine their total. "The Panel on Immigration Statistics (1985) estimates that in 1980 between 2 to 4 million illegal aliens have entered the country- a number which has not grown remarkably in the following years" (Panel on Immigration Statistics, 1985, p.87-88). In figure 1 above, estimates of the increase in illegal immigrants show the rise from 2000 to 2008. The Pew Hispanic Center (2008) further estimates that "the inflow of unauthorized migrants averaged 800,000 a year from 2000 to 2004, but fell to 500,000 from 2005 to 2008" (Passel & Cohn, 2008, n.p.). They estimated also that as of March 2008 there were 11.9 million unauthorized immigrants living in the United States.

With this huge number of immigrants, it is difficult to organize the immigrant processes and prevent individuals and groups from exploiting US immigration laws by entering the country. Unfortunately, prior to the DREAM Act, US immigration policies were outdated and invalid to help country and student to develop. For instance, "in 1795 Naturalization Act restricted citizenship to free white Americans in the country who have renounced their allegiance to their country of origin and 1798 Alien and Sedition Acts which granted the President the powers to expel any alien he deemed dangerous". In response to illegal immigration, the Congress enacted the Immigration Reform and Control Act of 1986 which created stricter policies along US borders. "The Immigration Act of 1990 increased the limits on legal immigration and revised earlier grounds for exclusion and deportation, and established a system

to encourage more legal immigrants into the country" (Marron, 2006, p.10-19). But these issues are far from what the US is now facing.

The number of illegal immigrants mentioned above, that entered the country at least eight years ago Integrate in new American communities and get economic benefits such as employment and education. In fact, the illegal immigrants who entered the country eight years ago, depending on their age are already married and have children, or are in their teens and young adult stages. Recent data on US illegal immigrants tell that "approximately 80,000 of these individuals who have lived in the US for eight years or more annually reach the age of 18, and around 65,000 of them graduated from US high schools are now working in the country" (Mayorga, Picower& Rader, 2008, p.41).

So what is the best way to handle them? Pull them out of their jobs or schools and deport them back to their country? Charge them with taking advantage of weak immigration policies and deny them the socio-economic benefits that are only for legal residents and taxpayers? Or should the government just ignore them and make businesses get benefit from these illegal immigrants by utilizing their power and ability in exchange for very low wages? No doubt, both solutions are extreme, undemocratic, and inconsistent with American ideals. Therefore, the DREAM Act takes a more moderate approach and the best solution for illegal students. It does not punish illegal students because their parents who brought them to the country at a very young age have broken the law. However, it also offers a good opportunity by giving them a chance to correct their mistake and make their stay legal.

The DREAM Act: A Moderate Approach

A good history of the DREAM Act is given by W. Perez (2009), in his book *We Are Americans: Undocumented Students Pursuing the American Dream*. In his narrative of

events, the DREAM Act was shelved for several years before being brought out again for deliberation in the Legislature by 2009. On May 21, 2001, California Representatives Lucille Roybal-Allard, Christopher Cannon, and Howard Berman introduced in the US House of Representatives the Student Adjustment Act of 2001 (HR 1918). In the same way, the Senate Version (The Development Relief, and Education for Alien Minors (DREAM Act) was introduced by Sen. Orrin Hatch on August 1, 2001. However, it was merely placed on the Senate legislative calendar but never reached a floor vote. The DREAM Act was then reintroduced four years later, in November 2005, followed by the 2006 New American Dream Act (HR 5131), which was introduced in the House of Representatives (Perez, 2009). Now, on May 25, 2006, the US Senate arrived at a bipartisan compromise on comprehensive immigration reform and subsequently passed an immigration bill that incorporated the DREAM Act. However, it did not receive enough votes to be sent to then-President George Bush. Three years later, on March 26, 2009, “Dick Durbin (D-IL) and Richard Lugar (R-IN) reintroduced the DREAM Act in the Senate, while at the same time it was introduced in the House of Representatives by Howard Berman (D-CA), Lincoln Diaz-Balart (R-FL), and Lucille Roybal-Allard (D-CA) as the American Dream Act” (Perez, 2009, p. xxvii). By the time it was reintroduced in the Legislature, several facts are being pointed out as basis for the DREAM Act:

1. Not all immigrants are from Southern America or Latinos; they come from almost all countries in the world
2. These young yet undocumented immigrants were brought to the US at a very young age, implying that it was not their conscious decision to break immigration law
3. They entered the country with their parents and grew up in the country just like their US citizen classmates

4. Some of these undocumented students are high achievers and are excellent in their academic studies
5. Many do now not know that they are undocumented immigrants (Arnold, 2011, p.102-104)

In this case, there are several clear barriers that undocumented students have to face. Assuming that their stay in America was not their own choice, they have to force themselves to study and improve their educational standing in order to survive. But in the current policies for undocumented immigrants, these undocumented students can feel hopeless and helpless due to their illegal status. Also, current immigration laws have very limited opportunities for them to change their situation from Informal to formal. In many cases, these undocumented students live under the fear of being arrested and deported by immigration authorities. Moreover, these students could not access educational benefits, loans or grants for higher education, "thus subsequently preventing them from pursuing academic careers that need state licensing or background checks. It prevents them also from positions that require their Social Security Numbers or from serving the country through the Armed Forces" (Krestedemas, 2012, p. 75). So, by pushing for the DREAM Act, the government is giving a moderate approach to an apparent dilemma that could not be solved. Undocumented students are already squeezed into American classrooms despite the existence of strict immigration rules. "Hence, it seems that the best way is to let them surface, admit their illegal status, and undergo a formal process that will eventually legalize their stay in the country"(Krestedemas, 2012, p. 75).

The DREAM Act: What it is

In his guide to new US policies, entitled *Lawyer's Desk Book*, D. Shilling (2013) identifies four provisions or basic requirements proposed in the DREAM Act:

1. The immigrant student must have entered the US before reaching the age of 16.
2. The immigrant student must have been accepted for admission into a two-year or four-year institution of higher education. An equal requirement is a high school diploma or a general educational development (GED) certificate.
3. Students who would benefit from the DREAM Act must be already in the US upon enactment of the law. Moreover, the provisions stipulate that eligibility is given only to those who have lived in the country for at least five years preceding the date this law will be enacted.
4. The immigrant student should demonstrate good moral character, as defined by immigration law, and should have no criminal record.(Shilling, 2013, p.19-32)

This is the first step in the legalizing process. Upon meeting these requirements, the student can now apply for conditional status which will last up to six years, thus changing their status from illegal to conditional. Then, the second step in the process would require the following within six years:

1. Have consistent display of good moral character
2. Continuous residency in the US
3. Graduate from a 2-year institution of higher education
4. Complete at least 2 years toward a 4-year degree
5. Serve in the military for at least two years (Kim & Diaz, 2013, p. 2011)

Once these requirements are met, the government will now grant the student legal status.

Dream Act: Impact on Higher Education

Because of the DREAM Act, the Migration Policy Institutes expects that higher education institutions will need to adjust to approximately 2.1 million individuals that will be

pursuing their legal status. It is further expected that around 825,000 of the potential beneficiaries will be able to achieve lawful permanent status in six years. However, the MPI underscores the possibility that "...three of the four cohorts of potential beneficiaries...would face serious — and in a very large number of cases insurmountable — challenges to achieving permanent status" (as cited in Batalova & McHugh, 2010, p. 17). A more comprehensive analysis of the impact of the DREAM Act on Higher Education is given by S.A. Camarota (2010), in his journal entry entitled *Estimating the Impact of the Dream Act* wherein he presents 11 considerations that are currently being considered by the Congress.

Assuming that no fraudulent entry is given, a conservative estimate of new enrollees will be 1.03 million.

1. On the average, it is estimated that this number of undocumented students will be receiving a tuition subsidy from taxpayer money of \$6,000 every year he or she attends school, which amounts to a total cost of \$6.2 billion per year. This is a conservative amount since it does not include the costs of other financial needs that they may receive from the government in the period of six years.
2. Assuming that this number of students enters college, estimates tell that a huge percentage of these new students will not be able to finish at least two full years due to academic difficulties.
3. It is estimated that cost efficiency concerns will allow an overwhelming number of these new students to enroll in community colleges which are much cheaper than state universities.

4. The above estimates are only for those who will still be entering college, and does not include those already enrolled or have completed two years of college, and does not take in consideration those expected to enroll in private colleges/universities.
5. The DREAM Act will not provide financial assistance states and counties, which means that the way to fund this new adjustment is to combine tuition and tax increases with a reduction of available positions of citizens at American higher education institutions. (Camarota, 2010, p. 5-6)

With these concerns, several questions need to be addressed. For instance, with the immense increase in new students, who will both private and public institutions in the states and counties cater to them? Moreover, will taxpayers be willing to support the financial needs of these undocumented students especially that there are no long-term benefits for citizens who will be sacrificing their monies?

These are critical considerations that the Congress needs to solve before implementing this law. As it seems, the burden of helping the young undocumented immigrants is too costly and there is no assurance that these students, themselves, will be entering college for learning or just in order to achieve legal status.

References

- Arnold, K. (ed.). (2011). *An Historical Encyclopedia: Anti-Immigration in the United States*. CA: ABC-CLIO
- Batalova, J. & McHugh, M. (2010). DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries. *Migration Policy Institutes*. Retrieved from <http://www.migrationpolicy.org/pubs/DREAM-Insight-July2010.pdf>
- Camarota, S.A. (2010). Estimating the Impact of the DREAM Act. *Center for Immigration Studies*. Retrieved from <http://www.cis.org/sites/cis.org/files/articles/2010/dream-act-costs.pdf>
- Kim, E. & Diaz, J. (2013). *Immigrant Students and Higher Education*. NJ: John Wiley & Sons
- Krestedemas, P. (2012). *The Immigration Crucible: Transforming Race, Nation, and the Limits of the Law*. NY: Columbia University Press
- Marron, D.B. (2006). Immigration Policy in the United States. *Congressional Budget Office*. Retrieved from <http://www.cbo.gov/ftpdocs/70xx/doc7051/02-28-Immigration.pdf>
- Mayorga, E. Picower, B. & Rader, S. (eds). *Camouflaged: Investigating How the Military Affects You and Your Community*. NY: New York Collective of Radical Educators
- Panel on Immigration Statistics, Committee on National Statistics, and National Research Council (1985). *Immigration Statistics: A Story of Neglect*. Washington D.C.: The National Academic Press
- Passel, J. & Cohn, D. (2008). Trends in Unauthorized Immigration. *Pew Hispanic Center*. Retrieved from <http://pewhispanic.org>

Perez, W. (2009). *We Are Americans: Undocumented Students Pursuing the American Dream*.

VA: Stylus Publishing

Shilling, D. (2013). *Lawyer's Desk Book*. NY: Wolters Kluwer Law & Business